

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0930-01  
Bill No.: HB 257  
Subject: Health Care; Health Care Professionals; Health, Public; Health Department  
Type: Original  
Date: February 4, 2013

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Bill Summary: This proposal changes the laws regarding the requirements for the testing of persons with tuberculosis.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	(Unknown, less than \$100,000)	(Unknown, less than \$100,000)	(Unknown, less than \$100,000)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Unknown, less than \$100,000)</b>	<b>(Unknown, less than \$100,000)</b>	<b>(Unknown, less than \$100,000)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Department of Corrections (DOC)** state the penalty provision component of this proposal (Class C felony) results in a potential fiscal impact for the DOC. Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in direct offender costs either through incarceration (FY 11 average of \$16.878 per offender, per day, or an annual cost of \$6,160 per inmate) or through supervision provided by the Board of Probation and Parole (FY 11 average of \$5.12 per offender, per day, or an annual cost of \$1,869 per offender). Therefore, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Seventeen (17) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

Officials from the **Columbia/Boone County Department of Public Health and Human Services (Department)** state the proposal would have an unknown fiscal impact on their organization. This unknown impact is due to the proposed section 199.340 which could lead to additional cases of tuberculosis being identified, thereby requiring local public health follow-up, disease investigation, case managing, nursing services, etc. Since the department cannot estimate how any additional cases would be identified, it is not possible to estimate the fiscal impact.

**Oversight** assumes the likelihood of there being a significant number of tuberculosis cases in a particular county to be very low. Therefore, Oversight assumes the proposal would have a minimal fiscal impact on local public health agencies.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of exposing another to tuberculosis - a new Class D felony or, if the victim contracts tuberculosis from the violator, a new Class C felony.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

ASSUMPTION (continued)

Officials from the **Office of Prosecution Services (OPS)** assume the proposal will have no measurable fiscal impact on the OPS. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

**Oversight** assumes the potential responsibilities imposed on county prosecutors as a result of this proposal, will be absorbable within current funding and staffing levels.

Officials from the **Department of Mental Health (DMH)** state facilities associated with the DMH are included in the definition of a “facility” under Section 199.170(5). Section 199.250 states the Department of Health and Senior Services (DHSS) retains the authority to contract with facilities to carry out the functions of these provisions.

The DMH assumes that its state operated psychiatric facilities would be inappropriate placements for tuberculosis (TB) commitments and, therefore, would neither contract with the DHSS for such commitments nor be compelled by a court to accept such commitments. The DMH assumes DHSS will not refer individuals with TB to a DMH facility. Therefore, the proposal places no obligations or requirements on the DMH that would result in a fiscal impact.

If this assumption is inaccurate, then the costs to the DMH could be significant.

Officials from the **Office of Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State’s office is provided with core funding to handle a certain amount of normal activity resulting from each year’s legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes this is a small amount and does not expect that additional funding would be required to meet these costs. However, it is also recognized that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain within its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Officials from the **Department of Higher Education (DHE)** state the proposal would have no direct, foreseeable fiscal impact on the DHE.

Section 199.340.2 requiring all colleges and university campuses in Missouri to implement a “targeted testing program”, as defined in Section 199.170 (12), for all on-campus students may have any impact on all public and private institutions of higher education offering on-campus courses in the state. Public colleges and universities were included in the request for fiscal impact and the DHE would defer to them for the fiscal impact of the proposal for those entities.

ASSUMPTION (continued)

Officials from the **Joint Committee on Administrative Rules (JCAR)** state the legislation is not anticipated to cause a fiscal impact to JCAR beyond its current appropriation.

Officials from the **Department of Social Services (DSS) - Division of Youth Services (DYS)** state this proposal is thought to have little impact on DYS. Upon enactment of the proposal, DYS would not anticipate any substantive increase in the number of youth committed to its care.

As DYS presently requires all youth in the Division's care to be tested for tuberculosis as part of the Healthy Children and Youth Screening, enactment of this proposal could have bearing on the manner in which a youth with a positive test is managed. The DYS may have to amend policies and provide training to ensure compliance with the new law. However, DYS would be able to utilize existing personnel to affect the changes at no additional cost to the agency.

Officials from the **DSS - Human Resource Center** state unless the employee or a local health authority informed the agency that the employee had an active tuberculosis case, DSS would not have access to that information. Therefore, there would be no fiscal impact.

Officials from the **DSS - MO HealthNet Division (MHD)** state the requirements of this proposal fall to the Department of Health and Senior Services. The treatments described in the proposal are covered under MHD. Therefore, there would be no fiscal impact to MHD.

Officials from the **DSS - Division of Financial and Administrative Services** state the proposal specifically states that any payment for treatment contracted for by Department of Health and Senior Services (DHSS) would be available only after benefits from all third-party payers have been exhausted. Therefore, there would be no savings to MHD because MHD would have to pay first and DHSS funds would be reserved for non-Medicaid eligibles.

Officials from the **Office of Administration**, the **Office of State Courts Administrator**, the **Department of Health and Senior Services**, the **Harrison County Health Department**, **Linn State Technical College**, **Metropolitan Community College**, **Missouri Southern State University**, **Missouri State University**, **Northwest Missouri State University**, **University of Central Missouri** and **Barton County Memorial Hospital** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Reynolds County Local Public Health Agency** provided a response to the fiscal note request sent by **Oversight**, but did not provide a fiscal impact statement.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
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**GENERAL REVENUE FUND**

Cost - DOC

Increased incarceration/parole costs	<u>(Unknown, less than \$100,000)</u>	<u>(Unknown, less than \$100,000)</u>	<u>(Unknown, less than \$100,000)</u>
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**ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND**

<u>(Unknown, less than \$100,000)</u>	<u>(Unknown, less than \$100,000)</u>	<u>(Unknown, less than \$100,000)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
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<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This proposal changes the laws regarding the requirements for the testing of persons with tuberculosis (TB). The proposal prohibits any person who is knowingly infected with TB from acting in a reckless manner to expose another person who has not consented to being exposed, reporting to work with active contagious TB, or violating the requirements of a commitment order. A person who violates these provisions is guilty of a class D felony unless the victim contracts TB, in which case it is a class C felony.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Administration  
 Office of State Courts Administrator  
 Department of Higher Education

HWC:LR:OD

SOURCES OF INFORMATION (continued)

Department of Mental Health  
Department of Corrections  
Department of Health and Senior Services  
Department of Social Services -  
    Division of Youth Services  
    Human Resource Center  
    MO HealthNet Division  
    Division of Financial and Administrative Services  
Joint Committee on Administrative Rules  
Office of Prosecution Services  
Office of Secretary of State  
Office of State Public Defender  
Columbia/Boone County Department of Public Health  
    and Human Services  
Harrison County Health Department  
Reynolds County Local Public Health Agency  
Linn State Technical College  
Metropolitan Community College  
Missouri Southern State University  
Missouri State University  
Northwest Missouri State University  
University of Central Missouri  
Barton County Memorial Hospital



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